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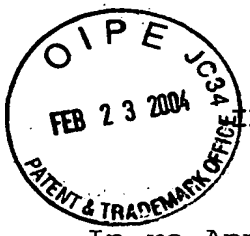
Image



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

		Atty. Docket: SOLOMON=1R
In re Application of:	)	Conf. No.: 3910
Beka SOLOMON	)	Art Unit: 1647
Appln. No.: 09/441,140	)	Examiner: C. Nichols
Filed: November 16, 1999	)	Washington, D.C.
For: PREVENTION OF PROTEIN AGGREGATION	)	February 23, 2004

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

[X] 1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:

(Check one of the boxes A-D)

[ ] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

[ ] B. before the mailing date of a first office action on the merits or before the mailing of a first Office

action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

[X] C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary certification (box "i" below) or paid the necessary fee (box "ii" below).

(Check one of the boxes "i" and "ii" below:)

[ ] i. Counsel certifies that, upon information and belief, each item of information listed herein was either

[ ] (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

[ ] (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

[X] ii. Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in §1.17(p), presently believed to be $180. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035.

[ ] D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant(s) state as follows under 37 CFR §1.97(e) for consideration of this IDS, that, upon information and belief, each item of information listed herein was either

(Check one of the boxes "a" and "b" below)

[ ] (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

[ ] (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in §1.17(p), presently believed to be $180.00 is enclosed. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035.

[X] 2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., form PTO-08A/B) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached, except as explained below.

(check boxes A and/or B and fill in blanks, if appropriate)

[ ] A. Document(s) _____ is (are) deemed substantially cumulative to document(s) _____, and, in accordance with §1.98(c), only a copy of each of the latter documents is enclosed.

[ ] B. Certain documents were previously cited by or submitted to the Office in the following prior application(s), which are relied upon under 35 U.S.C. 120:

(insert serial numbers and filing dates of prior applications)

Applicant(s) identifies these documents by attaching hereto copies of the forms PTO-892 and PTO-1449 from the files of the prior application(s) or a fresh PTO-1449 listing these documents, and request that they be considered and made of record in accordance with §1.98(d). Per 37 CFR §1.98(d), copies of these documents need not be filed in this application.

[ ] 3. Document(s) _____ is (are) not in the English language. In accordance with §1.98(a)(3), Applicant(s) states:

[ ] An English translation of each document _____ (or of the pertinent portions thereof), or a copy of each corresponding English-language patent or application, or English-language abstract (or claim) is enclosed.

[ ] A concise explanation of the relevance of document(s) _____ is found in the attached _____ search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

[ ] A concise explanation of the relevance of document(s) _____ is set forth as follows:

(insert concise explanation of relevance)

[ ] A concise explanation of the relevance of document(s) _____ can be found on page(s) _____ of the specification.

[ ] A concise explanation of document(s) _____ can be found on the attached sheet.

[X] 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

[X] 5. Other information being provided for the examiner's consideration follows:

The present specification at column 12, lines 1-5, states that:

> α-human β-amyloid 6F/3D was obtained from ACCURATE Chemical and Scientific Corp. (Westbury, N.Y., USA). mAb AMY33 was purchased from ZYMED San Francisco, Calif., USA.

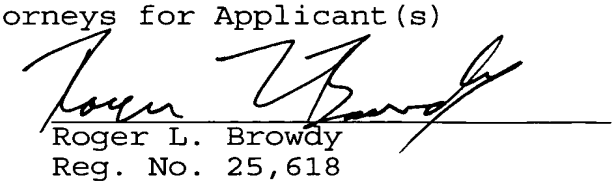
Catalogs from ZYMED and ACCURATE circa 1996 are not currently available. However, document GD is an on-line ACCURATE catalog stating that the monoclonal antibody 6F/3D is supplied in the presence of 15 mM NaN_3. Documents GE and GF are from the on-line ZYMED catalog relating to clone AMY-33. Note that this antibody is also supplied in 0.05% sodium azide (NaN_3). Sodium azide is known to be a potentially deadly poison.

It is presumed that the monoclonal antibodies sold by these companies in 1996 and before were in the same formulation as is presently disclosed in their catalogs and websites.

6. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant(s) reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

BROWDY AND NEIMARK
Attorneys for Applicant(s)

By: 
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PTO/SB/08a (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	09/441,140
Filing Date	November 16, 1999
First Named Inventor	Beka SOLOMON
Group Art Unit	1647
Examiner Name	C. Nichols
Attorney Docket Number	SOLOMON=1R

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T[2]
	GA	ARAI et al, "Lewy bodies contain beta-amyloid precursor proteins of Alzheimer's disease", Brain Res 585(1-2):386-390 (1992)	
	GB	GAMES et al, "Alzheimer-type neuropathology in transgenic mice overexpressing V717F β-amyloid precursor protein", Nature 373:523-527 (1995)	
	GC	STERN et al, "Monoclonal antibodies to a synthetic peptide homologous with the first 28 amino acids of Alzheimer's disease β-protein recognize amyloid and diverse glial and neuronal cell types in the central nervous system", Am J Pathol 134(5):973-978 (1989)	
	GD	ACCURATE Chemical & Scientific Corporation website at http://www.alzforum.org/res/com/ant/Beta-Amyloid/accAXL995M.html, "Monoclonal mouse anti-human-beta-amyloid: clone 6F/3d", downloaded February 19, 2004	
	GE	ZYMED Laboratories Inc. web page at http://www.zymed.com/products/13-xxxx/13-0100.html, "Mouse anti-beta-Amyloid Peptide", downloaded February 19, 2004	
	GF	ZYMED Laboratories Inc. web page at http://www.zymed.com/pdf/13-xxxx/13-0100.pdf, "Mouse anti-beta-Amyloid Peptide", downloaded February 19, 2004	

Examiner Signature		Date Considered	

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.